

PHYSICIAN ASSISTANT COMMITTEE
MEETING MINUTES
September 14, 2005

ROLL CALL

The meeting of the Physician Assistant Committee was called to order at 2: 00 p.m. by Charles Scholtes, P.A., in Lower Level Conference Room B, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were sent to the Committee members, media and other interested parties prior to the meeting. The following members answered roll call.

Charles Scholtes, P.A., Chair
Carl Rossitto,
Paul Shellabarger, PA

Absent: Randy Kohl, MD; Gerald Luckey, MD

A quorum was present and the meeting convened. Also present from the Credentialing Division were Becky Wisell, Section Administrator; Vonda Apking, Credentialing Coordinator; Sherri Joyner, Credentialing Specialist; Michael Grutsch, Program Manager, Investigations Division; Loretta Bennett and Sharon Fitts, Investigators, Investigations Division, and Terri Nutzman-Buller, Assistant Attorney General.

ADOPTION OF THE AGENDA

Shellabarger moved, seconded by Rossitto, to approve the agenda. Voting aye: Rossitto, Scholtes, Shellabarger. Voting nay: none. Absent: Kohl, Luckey. Motion carried.

APPROVAL OF MINUTES

Shellabarger moved, seconded by Rossitto, to approve the minutes of the July 27, 2005 Meeting of the Physician Assistant Committee. Voting aye: Rossitto, Shellabarger, and Scholtes. Voting nay: none. Absent: Kohl, Luckey. Motion carried.

INVESTIGATIONAL REPORTS – CLOSED SESSION

The Committee went into closed session at 2:05 p.m. for the purpose of hearing investigational reports.

Luckey joined the meeting at 2:07 p.m.

The Committee returned to open session at 2:52 p.m.

Bennett and Fitts left the meeting at 2:52 p.m.

APPLICATION REVIEW

Applications to Supervise a Third, Fourth, and Fifth Physician Assistant

The Committee discussed Dr. Mark Howerter's applications to supervise Mark Benesch, PA, Katie Steer, PA, and Kelly Marohn, PA. Dr. Howerter is currently certified to supervise two

physician assistants. According to information submitted by Howerter, all five PAs will provide services at an urgent care clinic located in Columbus Community Hospital. Luckey stated that the hospital has a good set-up and that he sees no problem with the applications. Luckey moved, seconded by Shellabarger, to approve Dr. Howerter's applications to supervise Mr. Benesch, Ms. Steer, and Ms. Marohn. Voting aye: Luckey, Rossitto, Scholtes, Shellabarger. Voting nay: none. Absent: Kohl. Motion carried.

Applications for Physician Assistant Supervisor Certification from Physician on Probation

The Committee discussed Dr. John Grove's applications to supervise Jon Becker, PA, and Amy Eifert, PA. Dr. Grove's Nebraska physician license is currently on probation. Luckey mentioned that he did not want to take a chance that Dr. Grove could adequately supervise physician assistants. Nutzman-Buller clarified with Luckey that the basis for a move to deny would be the prior disciplinary action. Scholtes discussed the impact of a denial on the physician assistants. Shellabarger noted that the two physician assistants are well-experienced. Luckey moved, seconded Rossitto, to deny the application. Voting aye: Luckey, Rossitto, Scholtes. Voting Nay: Shellabarger. Absent: Kohl. Motioned carried.

LEGISLATION

Wisell provided the Committee with an update on proposed revisions to the Uniform Licensing Law (ULL). Wisell noted that other Boards expressed concerns about the proposed changes, especially the revisions that replaced the term "recommendation" with the term "advice." Wisell stated that the NCR Implementation Committee at its August meeting identified six areas where Boards should have the ability to approve rather than just advise: continuing competency requirements for a profession; requirements for initial issuance of a license; license renewal requirements; approval of acceptable schools and educational programs; approval or denial of applications to reinstate license after discipline; and establishing standards of unprofessional conduct. Wisell also stated that the rewrite committee is considering alternatives to the term "advice" in the rewrite, and that the most likely alternative at this point is "recommendation." Luckey requested a clarification of the difference between "advice" and "recommendation." Nutzman-Buller stated that the Department does not necessarily have to follow a Board's advice, but that the term "with recommendation of the Board" can be interpreted to mean that Board approval is required.

Vonda Apking left the meeting at 3:25 p.m.

Wisell discussed other aspects of the ULL draft: increasing membership on the PA Committee from five to six members; a requirement that professional members be actively practicing their professions; and the retention of the "voluntary surrender" license status, a status that had been removed in the previous draft. Wisell requested that members of the Committee forward to her any comments they might have regarding the ULL rewrite and that she will share their comments at the next revision meeting.

The Committee took a break at 3:27 and resumed at 3:35.

Wisell asked Committee for its input on the proposed elimination of Neb. Rev. Stat. 71-1, 107.19(4) in the draft revision of the Medicine and Surgery Practice Act. Neb. Rev. Stat. 71-1, 107.19(4) exempts physician assistants who were approved by the board prior to April 16, 1985 from completing a proficiency examination. Grutsch stated that there are physician assistants in Nebraska who were licensed prior to 1985, and that if the section is removed, these PAs would

be required to take the examination. Luckey, Scholtes, and Shellabarger offered comments supporting the retention of Neb. Rev. Stat. 71-1, 107.19(4).

FOLLOW UP ON PHYSICIAN ASSISTANTS WORKING FOR THE NATIONAL GUARD

At its July 27, 2005 meeting, the Committee discussed whether or not a physician assistant, Capt. Brett Scholting, who works full-time for the Nebraska National Guard needs a physician assistant supervisor certified by the Department. Wisell informed the Committee that the Department's Legal Division is still researching the issue. Wisell stated that "week-end warriors" in the National Guard are federally paid. The Department will seek further information regarding whether or not Capt. Scholting is paid by the state. Shellabarger inquired whether the National Guard's State Surgeon could provide 5% supervision for Scholting. Grutsch suggested we find out how other states handle this situation.

FOLLOW UP ON OWNERSHIP/SUPERVISION QUESTIONS

Wisell provided a follow up to the application from Robert Crandall, MD, to supervise Stephen Van Noy, P.A., at First Care Medical in Kearney, Nebraska, which was discussed at the Committee's July 27, 2005 meeting. First Care Medical is owned by Mr. Van Noy and another physician assistant. The Committee, at that time, discussed whether or not a physician could adequately supervise a physician assistant when the physician is the physician assistant's employee. The Committee, at that time, recommended approval of Dr. Crandall's application. Wisell notified the Committee that the Board of Medicine voted to approve the application at its meeting on August 5, 2005, but that two members of the Board voted to deny the application and had expressed grave concerns regarding physician assistants employing their own supervisors.

Luckey, attending by conference call, left the meeting at 4:00 p.m.

GENERAL INFORMATION

The Committee discussed a letter that had been sent to the Department by a Nebraska physician questioning the legality of a physician assistant staffing a physician's office when the physician is not present, a practice the letter writer considers to be "a lower standard of care." Credentialing Department staff will write the physician a letter indicating that physician assistants are authorized to practice medicine in Nebraska, and that the staffing arrangement specified in his letter is legal because the minimum supervision requirements and secondary site supervision requirements are being met.

The PA Committee will meet on November 15, 2005 at 1:30 p.m.

ADJOURNMENT

Shellabarger moved, seconded by Rossitto, to adjourn the meeting at 4:20 p.m. Voting aye: Rossitto, Shellabarger, Scholtes. Voting nay: none. Motion carried.